IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Iqbal Khan. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 417/2006
for quashing FIR No.336/2005 dated 19-9-2005
of Police Station, Subhash Nagar, Bhilwara.

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Date of Order: August 17, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Dr. Sachin Acharya, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. Ramesh Purohit, for the complainant.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR NO.336/2005 dated 19-9-2005 of Police Station, Subhash Nagar, district Bhilwara for the offences under Sections 467, 468 and 471 IPC.

I have heard learned counsel for the petitioner, the Public Prosecutor for the State and the counsel for the complainant.

Complainant Smt. Paras Devi is present in the Court and she has filed an application stating therein that she has compromised the matter with the petitioner and does not want

to pursue the FIR in question lodged by her. Complainant Smt. Paras Devi has been identified by her counsel Mr. Ramesh Purohit.

Learned counsel for the petitioner, as also learned counsel for the complainant, submit that for the very land for which the complainant alleged forging of document by the petitioner and proceeding under Section 145 Cr.P.C. was initiated before the Additional District Magistrate (City), Bhilwara (for short, "the Executive Magistrate" hereinafter), the disputed land is plot No.58 situated at Malan, Bhilwara and the dispute regarding said plot No.58 in Khasra No. 397, 395 and 1336/400 of Malan, Rama Vihar Colony, Bhilwara has been settled amicably between the petitioner and the complainant. In the compromise, it has been mentioned that the said plot has been purchased by the complainant from the present petitioner by a registered sale deed and after purchasing the said plot from the petitioner, the parties have filed the compromise before the Executive Magistrate in the proceeding under Section 145 Cr.P.C.,. as also in the matter pending before the Civil Court, wherein all the parties have compromised the matter and filed the compromise. The title of the plot in question i.e. plot No.58 situated at Malan, Bhilwara, has been finally settled and decided in favour of the complainant by a decree of compromise by a civil court as also by the registered sale deed.

On careful perusal of the FIR, it appears that there is no element of criminal intent of forging the document or using it as a genuine. The matter is of a civil nature and the parties approached to the civil court and finally got the matter settled and compromised the matter in the civil court by filing a compromise.. Since the parties have entered into a compromise, no evidence is likely to come against the present petitioner, even if the FIR is allowed to continue. In the circumstances, therefore, in my view, to prevent the abuse of process of the Court and to meet the ends of justice, the FIR in question deserves to be quashed.

In the result, the criminal miscellaneous petition is allowed. The FIR No. 336/2005 dated 19-9-2005 of Police Station, Subhash Nagar, district Bhilwara for the offences under Section 467, 468 and 471 IPC is hereby quashed.

(H.R. PANWAR), J.

mcs